

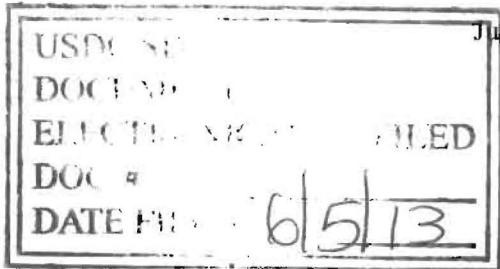
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June 3, 2013



BY HAND

Hon. Robert W. Sweet
United States District Court for the
Southern District of New York
500 Pearl Street
New York, New York 10007-1312

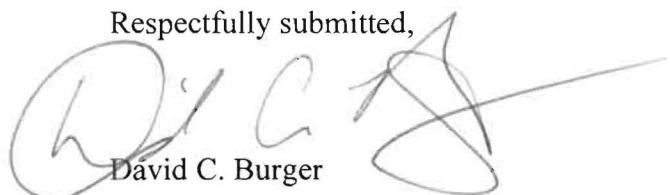
Re: Usov v. Lazar, Case No. 13-cv-818 (RWS)

Dear Judge Sweet:

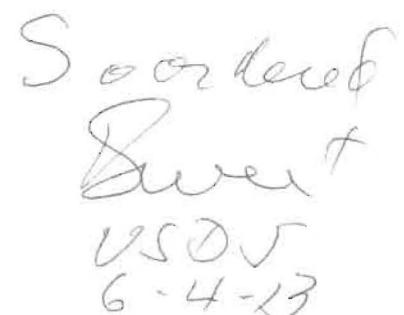
My firm has filed a pre-answer dismissal motion in the above-noted action on behalf of the defendants. Oral argument of the motion was waived and therefore that motion is now fully submitted for decision, but no decision has yet been issued. Issue therefore has not yet been joined. Rule 12(a)(4) of the Federal Rules of Civil Procedure extends the time for a responsive pleading to the complaint until fourteen days after notice of the court's action.

Since issue has not yet been joined, my firm cannot properly participate in a pretrial conference. It therefore is respectfully submitted that the conference scheduled for June 5, 2013, at 4:30 PM, should be cancelled.

Respectfully submitted,


David C. Burger

cc: Richard A. Roth, Esq.


S. A. Roth
Sweet
USDS
6-4-13